

REMARKS

Claims 1, 3-6, 8, 9, 11-16, 18-28 and 36 are currently pending in the subject application, and are presently under consideration. Claims 1, 3-6, 8, 9, 11-16, 18-28 and 36 are rejected. Favorable reconsideration of the application is requested in view of the comments herein.

I. Rejection of Claims 1, 5-6, 8-9, 11-16, 19-27 and 36 Under 35 U.S.C. §103(a)

Claims 1, 5-6, 8-9, 11-16, 19-27 and 36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2002/0176547 to Jones ("Jones"). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Jones does not teach or suggest storing, at a client system, information related to a time-based bill when a network interface is activated and when the network interface is deactivated, and transmitting a call detail record from a client system to a billing module on a billing system (or to a billing system, as recited in claim 36) based on the information related to a time based bill, as recited in claims 1, 16 and 36. In rejecting claims 1, 16 and 36, the Examiner contends that numerous sections of Jones disclose these elements of claims 1, 16 and 36 (Office Action, Pages 4-5 and 8-9). Applicant's representative respectfully disagrees. Jones discloses that a packet billing system 104 detects a call setup and call complete between communication devices 112 and 113 (Jones, Pars. [0034]-[0035]). Additionally, Jones discloses that the packet billing system 104 generates a call record for the detected call and transfers the call detail record to a public switched telephone network (PSTN) billing system 194.

In contrast to the system disclosed in Jones, in claims 1, 16 and 36, the information related to a time-based bill based on when a network interface is activated and deactivated is stored at the client system and a call detail record based on the information related to the time-based bill is transmitted from the client system to a billing module of a billing system (or to a billing system, as recited in claim 36). Instead, in Jones, a packet billing system 104 detects a call setup from a separate entity (the communication device 112). Therefore, Jones fails to teach or suggest storing, at a client system, information related to a time-based bill when a network interface is activated and when the network interface is deactivated, and transmitting a call detail

record from a client system to a billing module on a billing system (or to a billing system, as recited in claim 36) based on the information related to a time based bill, as recited in claims 1, 16 and 36.

Moreover, the Examiner contends that claims 1, 16, and 36 are obvious over Jones because combining the communications devices 112 and the Packet Billing System 104 disclosed in Jones would merely be making the Packet Billing System integral to the communication devices 112, requiring only routine skill in the art (See Office Action Page 19, citing *In re Larson*, 340 F.2d 965, 968, 144 U.S.P.Q. 347, 349 (C.C.P.A. 1965)). However, Applicant's representative respectfully submits that modifying the integrated Packet Billing System of Jones to create the method of billing network usage as recited in claims 1, 16 and 36 is not merely making something integral, as contended by the Examiner. Specifically, the modifications to Jones suggested by the Examiner would require replacing one billing system with many billing systems, each of which would be operating in a fundamentally different way than the integral Packet Billing System disclosed by Jones. For example, the Packet Billing System of Jones, if modified as suggested by the Examiner, would no longer interface with a PSTN billing system over a single link, thereby fundamentally modifying its functionality (See Jones, FIG. 1, Par. [0032]). Moreover, even assuming *arguendo* that the network billing method recited in claims 1, 16 and 36 actually preformed the same function as the Packet Billing System disclosed by Jones, the suggested modifications to Jones would still represent making the single, integral Packet Billing System of Jones into redundant billing systems contained in multiple communications devices. Thus, the suggested modifications to Jones are not merely making several separate components into an integral unit as was done in the situation considered in *Larson*. 340 F.2d 965, 968, 144 U.S.P.Q. 347.

The Examiner also asserts that one of ordinary skill in the art would be motivated to modify the teachings of Jones to create the methodologies of claims 1, 16 and 36 because integrating the packet billing system into communications devices 112 of Jones would increase system efficiency and reduce system cost (See Office Action, page 19, lines 19-23). However, the Packet Billing System 104 disclosed by Jones can detect signaling (e.g., a call) made by any

communication device over link 172 (See Jones, Par. [0032]). If the packet billing system 104 and the communication device 112 in Jones were combined (as suggested by the Examiner), the packet billing system 104 would only be able to detect signaling made from the communication device 112. That is, such a distribution of the packet billing system 104 into the communication devices would require that every communication device have a separate packet billing system. Therefore, the Examiner's purported modification of Jones would provide neither increased efficiency nor cost reduction as contended by the Examiner since the modification would replace a single packet billing system with a packet billing system for each communication device 112. Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. ___, 127 S. Ct. 1727, 1741 (U.S. 2007) citing *In re Kahn*, 441 F.3d 997, 998 (CA Fed. 2006). Applicant's representative respectfully asserts that the Examiner has failed to provide such a rational underpinning since the Examiner has failed to show how combining and modifying the cited art to read on claims 1, 16 and 36 would increase efficiency and/or reduce costs by dividing a centralized billing function (the centralized packet billing system disclosed by Jones) into a distributed billing function. Consequently, claims 1, 16 and 36 are not made obvious by Jones, and claims 1, 16, and 36 as well as claims, 5-6, 8-9, 11-15 and 19-27, depending therefrom should be patentable over the cited art.

Additionally, Jones does not teach or suggest displaying call detail record information based on information (relating to a time-based bill), as recited in claims 15 and 27. In rejecting claims 15 and 27, the Examiner contends that numerous sections of Jones disclose the elements of claims 15 and 27 (See Office Action, Pages 7-8 and 11, citing abstract and Pars. [0007], [0012], [0014]-[0017], [0029], [0035] and [0037] of Jones). The cited sections of Jones disclose that a conventional PSTN billing system 194 receives a call detail record and processes the call detail record to generate a bill. However, in contrast to the call detail record recited in claims 15 and 27, the cited sections of Jones fail to teach or suggest that the call detail record disclosed in Jones is ever displayed. Accordingly, Jones fails to make claims 15 and 27 obvious.

For the reasons described above, claims 1, 5-6, 8-9, 11-16, 19-27 and 36 should be patentable over the cited art. Accordingly, withdrawal of this rejection is respectfully requested.

II. Rejection of Claims 3 and 18 Under 35 U.S.C. §103(a)

Claims 3 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Jones as applied to claims 1 and 16, and further in view of U.S. Publication No. 2001/0055291 to Schweitzer ("Schweitzer"). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claims 3 and 18 depend from claims 1 and 16 and are patentable for at least the same reasons as claims 1 and 16, and for the specific elements recited therein. Moreover, in rejecting claims 3 and 18, the Examiner has cited Schweitzer solely for Schweitzer's disclosure of encrypting data transferred over a radio path (See Office Action, Page 12-13, citing FIG. 1B and Pars. [0008] and [0009] of Schweitzer). However, the addition of Schweitzer fails to make up for the aforementioned deficiencies of Jones with respect to claims 1 and 16, from which claims 3 and 18 depend. Thus, Jones taken in view of Schweitzer does not make claims 3 and 18 obvious, and therefore claims 3 and 18 should be patentable over the cited art. Accordingly, withdrawal of this rejection is respectfully requested.

III. Rejection of Claim 4 Under 35 U.S.C. §103(a)

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Jones in view of Schweitzer as applied to claim 3, and further in view of EP 1 775 929 A2 to Buhler ("Buhler"). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claim 4 depends from claims 3 and 1 and is patentable for at least the same reasons as claims 3 and 1, and for the specific elements recited therein. Moreover, in rejecting claim 4, the Examiner has cited Buhler solely for Buhler's disclosure of video communications (See Office Action, Page 13, citing Par. [0014] of Buhler). However, the addition of Buhler fails to make up for the aforementioned deficiencies of Jones taken in view of Schweitzer with respect to claims 3

and 1, from which claim 4 depends. Thus, Jones taken in view of Schweitzer and in further view of Buhler does not make claim 4 obvious, and therefore, claim 4 should be patentable over the cited art. Accordingly, withdrawal of this rejection is respectfully requested.

IV. Rejection of Claim 28 Under 35 U.S.C. §103(a)

Claim 28 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Jones as applied to claim 16, and further in view of Buhler. Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claim 28 depends from claim 16 and is patentable for at least the same reasons as claim 16, and for the specific elements recited therein. Moreover, in rejecting claim 28, the Examiner has cited Buhler solely for Buhler's disclosure of video communications (See Office Action, Page 16, citing Par. [0014] of Buhler). However, the addition of Buhler fails to make up for the aforementioned deficiencies of Jones with respect to claim 16, from which claim 28 depends. Thus, Jones taken in view of Buhler does not make claim 28 obvious, and therefore, claim 28 should be patentable over the cited art. Accordingly, withdrawal of this rejection is respectfully requested.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully submits that the present application is in condition for allowance. Applicant respectfully requests reconsideration of this application and that the application be passed to issue.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,

Date 13 May 2008

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